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"Perpetual Vigilance is the Price of Liberty," for "Power is always Stealing from the Many to the Few."

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T. J. HOLTON,

EDITOR AND PROPRIETOR.

VOLUME XX.

**SPEECH OF THE
Hon. Geo. E. Badger, of N. Carolina,
ON THE SLAVERY QUESTION.**
Delivered in the Senate, Monday, March 18, 1850.

Concluded.

On Tuesday, Mr. Badger resumed, and concluded his remarks, as follows:

Mr. President: In saying, sir, that the delivery of fugitive slaves is subject to the same rules as the surrender of fugitives from justice, and was so treated by the constitution, and by the framers of the act of 1793, I did not, of course, intend to say, that the cases were, in all respects, in all subordinate particulars, identical with each other, but that they depended upon the same general principles, and were liable according to the view of the framers of the constitution, and of that act, to a similar mode of proceeding, and that a claim for the return of a fugitive of either class was not to be submitted to the decision of a jury. Nor when I said that it was a case to be determined upon *prima facie* evidence, did I mean that it was to be decided upon slight suspicions or remote probability. I meant this: that it was not a case to be determined upon what is called, technically, full proof, or that amount and stringency of evidence upon which a final judgment passes, concluding the whole matter of right; and I mean, sir, to say, that to require such proof would be inconsistent with the whole of our legal notions, and the practice of all our judicial tribunals. Justices are never empowered to pass upon a question of right between parties, except when the determination upon it is to be a decisive settlement of the question at issue. Nothing, in my judgment, could be more absurd—meaning by that term, utterly inconsistent with all our legal notions and modes of procedure—than to say that a question should be determined by a jury in the State of New York or the State of New Hampshire, and a judgment passed upon that determination, and immediately afterwards be made the subject of re-examination between the same parties in another jurisdiction, where what had been so determined would not be admitted, as even *prima facie* evidence of the truth. The tribunal proposed by the amended bill of the honorable Senator from Virginia (Mr. Mason) is fair, just, and adequate. It consists of commissioners appointed by the courts of justice, by judges separated from all the ordinary influences which may prevent the judgments of men; and because selected and amenable to such judges, the commissioners themselves will be removed from such influences. The judges themselves hold their offices by an independent tenure, and have a compensation beyond the reach of executive or legislative power. Judges living in the free States cannot be supposed to have any unfair bias against the claimants of freedom, and may safely be trusted with the selection of commissioners. These commissioners are not required to give judgment according to the mere facts, as sworn in an affidavit, nor are they bound by the form and appearance of any technical evidence. They are to hear and determine the question in a summary way; it is true, but still to hear and determine—not upon *ex parte* evidence, not according to affidavits in a prescribed form, but upon all the evidence submitted by both parties. The evidence is to be directed to the three important facts in question: First, is the person claimed a fugitive? Has he actually come from the State whose citizens claim to have him surrendered? In the next place, the question is to be examined and determined, does the person claimed owe service or labor in the State from which he fled? In the third place, is that service or labor which he owes due to him who makes this claim? Upon the establishment of these facts to the satisfaction of the commissioner, the surrender is to be made. It is not, therefore, the ordinary case. The surrender is not made upon that degree of evidence on which one charged with crime may be arrested and bound over for trial. For that purpose even *prima facie* evidence is not required, but reasonable ground of suspicion is enough. Here *prima facie* evidence seems properly to be called for, and under the bill will be required. But full proof is not and ought not to be demanded. So far as I know it is never required, and in my judgment, ought never to be required, except before a tribunal authorized to make a final determination upon the question, and settle it upon its merits between the parties forever. This proposed enactment is, therefore, a well considered and well guarded provision, preventing, as far as human foresight can prevent it, all reasonable apprehension of injustice, fraud, or oppression. It is certainly free from the objection raised by the honorable Senator from New Hampshire (Mr. Hale) that under its operation, a resident person, a citizen of one of the northern States, might be seized and transferred to the South, as one held to service and labor there. If a resident or citizen, his residence or citizenship must be capable of easy proof before the commissioner who is to hear and consider all the evidence.

This bill is by no means so liable to misapplication to improper purposes as the provisions for the extradition of criminals between the United States and foreign countries. See, sir, how easily—more easily, certainly, than this bill—the extradition treaties might be used for purposes for which they were never designed. In the treaty between Great Britain and the United States, one of the offences for which a fugitive is to be delivered up is an assault with intent to murder. Now, we know that, according to the law of that country, as well as our own,

an assault made upon a public officer while in the discharge of his public duties, if intended to produce death, or likely to produce death, is deemed an assault with intent to murder. Suppose, then, that in these political excitements that are continually agitating the popular mind in Ireland—the people of Ireland seeking after what they demanded as justice from the British government, what Great Britain refuses to grant them, denying it to be justice—there should be committed an assault upon a public officer, charged with the execution of the laws, by a miscontented, who should make his escape to this country; and suppose that he is reclaimed upon an affidavit, sworn in Ireland, charging him with the offence; under the treaty, and the law to carry it into execution, he must be surrendered. And, when carried back under this charge, what hinders his being put upon trial for a political offence, to which this government never would have consented to extend it?

I consider, therefore, Mr. President, that the amendment which the honorable Senator from Virginia (Mr. Mason) proposes to introduce as a substitute for that reported by the Judiciary Committee, is, in its general scope and provisions, free entirely from objection. If there are any amendments in matters of detail which it may seem to require, they can easily be grafted upon it. And permit me while I am upon that subject, to say as I think I can say with confidence, not only for myself, but for every Senator from the South, that there can be any portion of that bill liable to just or reasonable exception, likely to give opportunity for any successful fraud to entrap any person who is now free into a state of bondage, or to give encouragement or assistance to kidnappers, we will not only gladly support, but shall be prompt to propose every proper amendment. Neither we nor our constituents desire ought but what justly belongs to us. We wish a bill which will insure the return of our slaves, and not endanger the rights of freedom. And we look with horror upon every contrivance or attempt to bring to the condition of a slave any man who is now free.

Yes, sir, and I will say, after a practice of more than thirty years at the bar in a slaveholding State, that I have never heard of an instance in which an action was brought by a black man against his supposed master, for the purpose of trying the question of freedom or slavery, in which there was the slightest ground to suspect unfairness or bias against the plaintiff, or, I repeat, on the contrary, that if there be any leaning in the minds of our jurors, it is in favor of him who, upon probable grounds, sets up the claim of freedom. I speak with entire confidence of these matters, as they are in my own State, and I presume what is true of North Carolina is true of every one of the slaveholding States.

Several Senators. Certainly, certainly; every where.

Mr. Hale. The sympathies of the people are against the law.

Mr. Badger. No sir; they are in exact accordance with the law. The hearts of the people are in favor of the right, and the laws secure it, and I wish the hearts of all the people of the United States were in the same proper condition.

Sir, I do not know what are the particular provisions in other States; but in my own, so careful are our courts, and so careful have they always been to prevent undue advantage being taken when this question of freedom is raised, that the first thing the courts require is, that the alleged master shall enter into bond and security that he will not remove the slaves from the State, or beyond the jurisdiction of the court, until a final decision shall be had, and in the mean time will allow him to attend to the trial of his cause and treat him with humanity.

This, then, Mr. President, is a provision of law for the recovery of fugitive slaves, which we think it is absolutely necessary should be adopted. It is one sufficiently guarded to avoid injustice to all who may be falsely claimed as fugitives; and it seems to me sufficient, if fairly and honestly carried into execution—as I doubt not it will be—to insure to those who are really owners of slaves that have escaped from the State in which they lived a return of their property to them, and an ultimate decision, if there be any doubt in the case, of the ultimate question of freedom upon the tribunal that has proper jurisdiction of the subject and rightful authority to settle the question. It is to return this question, not to a set of savages—not to a collection of heathens—not to a people who are inhuman to the claims of humanity or to the powerful though gentle influence of our religion, but to a people as sensible to such claims, as ready to acknowledge them, prompt to discharge them, (I claim nothing more for them than for our friends and fellow citizens who live in the northern portion of the Union,) as any people on earth. For all this which we ask, we have the guaranty of the constitution. We rest not our claim upon the generosity or magnanimity merely of our northern brethren—though I feel that we might safely rely upon these—but we rest it upon strict right—we demand it, and appeal to their sense of justice, pledged to us in the fundamental law of the land. It seems to me that, upon every view of the subject, this measure should meet with the decided approbation of all friends of the constitution—that there should be no attempt to clog the provision with such arrangements for delay and expense as must in the ordinary course of things render the measure utterly inefficient—useless to us for any practical purpose, and calculated only to irritate and inflame the sore and excited feelings of the South by a false show of granting what is in fact denied.

Mr. President, with regard to the Wilmot

Proviso, I will endeavor to reduce what I have to say within a narrow compass.

In the first place, I will remark that my own view with regard to the proper manner of arranging this difficulty is, and has all along been, that we should adopt and carry to the Pacific ocean the Missouri compromise line. I have thought it in itself was a just and reasonable settlement, commended to us, besides, because it is an old measure—a measure, heretofore adopted, with practical results of peace and quiet to the country, and having therefore as much of that kind of reverence which belongs to old things as can well be found in a nation of so recent origin as ours.

I have preferred it also upon another ground. I believe that our country is too large. I was utterly opposed to the extension of our domains which resulted from the ratification of the treaty with Mexico; I did my best to get the treaty so amended as to exclude all acquisition of territory; I voted against its ratification, because of the acquisition, and for no other reason. And, Mr. President, believing that our country is too large—believing that our danger lies in an indefinite extension of our limits—a premature expansion of our population, a weakening of all the central parts without adding real strength to the circumference, I should delight in seeing that Missouri compromise line applied, because I believe it would close the account of acquisition of territory, on the part of our government, forever. If the character of territory, which might be acquired north or south of any given line, were fixed so as to fall in with the views or interest of either one or the other portion of the Union, a constitutional majority, in my judgment, could never be procured in this body for the acquisition of any territory, North, South, East, or West. And, sir, I mention it because I intend to state frankly my own views. I do not suppose it within the reach of possibility that any such measure can be adopted. I have no ultimatum to propose upon this subject. I go for the adjustment of this question, and for moderating and letting down the excitement upon each and every topic connected with it, so that, if possible moderate men, those who are not extremists, those who do not insist upon pressing their own notions in their ultimate extent to actual adoption, may meet together upon a common ground. Now, it seems to me that, after what has been said upon this subject by so many able and distinguished gentlemen upon this floor, and particularly after the observations of the honorable Senator from Massachusetts (Mr. Webster), we ought to be able to unite upon a proposition to drop the Wilmot Proviso altogether. The honorable Senator from Michigan (Mr. Cass) is clearly in favor of having no Proviso; but he meets the Proviso upon the ground of want of constitutional power to apply it; and as others who may desire to see it applied, do not enter into and adopt his particular view upon the subject, of course the opinions and judgment which he gives do not have upon this question the weight to which his high and eminent character so justly entitles him. But from the Senator from Massachusetts we have a reason for dropping this odious Proviso, which may be received and acted on by every man, whatever his views of the question of power may be, without violating, in the slightest degree, the notions of legal right or appearing to surrender constitutional authority. Now, sir, I am one of those who believe in the constitutional power. I have had occasion to say, and have endeavored so far as I was able, to prevail on the floor of the Senate. I have said it at home; I have said it everywhere; and I choose to say it again, because I have no concealment upon this subject, and believe that what I am about to say can be best accomplished by a frank avowal of the truth, so far as I understand it. I have said, and I say it again, that Congress has the constitutional power to apply the Wilmot Proviso to this territory, and all the territories that belong to the United States. I believe that Congress has entire power and jurisdiction over the territories; that we are the supreme lawgiver over them; may dispose of their institutions as we think right, and let in and shut out just whom and just what we please. But, Mr. President, when the power to adopt a measure is admitted, permit me to say that very little is done towards ascertaining that it is proper that the power should be exercised. An abuse even of an admitted power is not only just ground of complaint, but, under circumstances, it may be just as fair and reasonable a ground of resistance as if the power exercised were usurped. If our government were a simple despotism, if all the powers of all its branches were centered in the hands of one single ruler, it could not be said on any occasion that he usurped power; but, if he abused the powers thus confided to him for purposes of oppression and injustice—if his administration rendered property insecure and life intolerable—beyond all doubt, there would be the same right of resistance as if the power were usurped, instead of having been conferred. The one is a case of unjust seizure of power; the other is a case of wanton disregard and violation of the confidence upon which the power was given. One is violence; the other is fraud. One is open rapine; the other is breach of trust.

Now, sir, it has been said, and well said—truly and philosophically said—that “the assertion of extreme right is always odious.” In political matters such an assertion of extreme right, such a resolution to do whatever we may lawfully do, to the utmost extent of our power lawfully to do it, always ends in despotism. It is a principle in the private business transactions of life that inevitably terminate in dishonesty. He who sets out in business transactions of life with the fixed, inflexible resolution always to claim, to the extreme, everything that is due to him, will ultimately prove that the maxim is entirely inconsistent with integrity, and he will end by seizing things which belong to another. No power in any government, and especially in a government like ours, should be exercised, the existence of which power is denied by many, and the propriety of whose exercise, in a given case, is doubted by still more, unless under the influence of strong reasons, and for the accomplishment of justifiable and important ends. If this proposition be true, I ask upon what footing gentlemen can propose to apply the Wilmot Proviso to the Territories to which we hope to give a form of territorial government? What is the important end which is to be attained as a consequence of it? Gentlemen tell us on all hands that in point of fact, slavery cannot be established in these Territories. Many gentlemen tell us that, in point of law, slavery now stands excluded from those Territories. Well now, sir, I have said, and I say it again—for I do not conceal any views I may entertain upon this subject—that I belong to that class of public men who entertain the opinion, and have a very strong conviction of its correctness, that the civil or municipal laws which prevailed in these ceded Territories at the time they passed into our hands, whether such laws relate to the existence or the non-existence of slavery or of anything else, continue in force—that they are not repealed by any silent and necessary operation of the constitution, and that they continue until the conqueror, until the United States, acting through the legislative department of the government, shall think proper either to repeal or modify those laws, or to commit to subordinate legislative authority the power of doing it. But there are many gentlemen—perhaps the majority of southern gentlemen—who entertain a different opinion from that which I have expressed upon this constitutional question. They think that these laws are superseded by the silent operations of the constitution, or at any rate, if nothing is done by Congress to put them in force, they fall as being a part of those political regulations in the conquered countries inconsistent with the general scheme of our fundamental law.

Now, sir, in this state of divided opinion as to the legal right to consider slavery a subsisting institution, recognized and protected by law, by the constitution, in these acquired Territories, I feel that the generally conceded opinion that there is no likelihood, in point of fact, that slavery will ever reach these Territories, what motive can be assigned—what reason which addresses itself to the mind of the statesman can be urged why this Proviso should be adopted? It is not a provision which is to accomplish any object which is to exclude its force from the Territory which would otherwise be found there. There is, therefore, no end to be accomplished for which it is necessary—there is no result to be produced by it that will not come without it. There can, therefore, be no strong or justifiable reason for applying it to these Territories. And then, if I am correct—if the general view which I have undertaken to lay down as to the proper qualification upon the exercise of disputed powers, or even admitted powers, is a mode exceedingly distasteful to a large portion of the country—it would seem to follow clearly that this Wilmot Proviso ought not to be passed. Why, sir, must it not be understood, and cannot gentlemen see that it cannot be other-wise than understood by the southern people of the United States, as an exercise of power for the mere purpose of manifesting superiority, as a wanton doing of that which is offensive and at the same time useless—as involving in itself a species of insult and indignity to those whose wishes upon this subject are outraged and outraged causelessly? For one, I think it would be less offensive to southern people if it were an admitted fact, that, according to the law of Mexico, African slavery existed in these Territories, and the Wilmot Proviso should be adopted. That would be doing us what we should deem a wrong; but for some reason might be assigned, and there would be an object accomplished by it. You might say, “We deem it of high importance that slavery should not exist in these Territories; but it exists there now, and, without a prohibition, will continue to exist; and however disposed we may be to gratify your feelings in this matter, we cannot sacrifice what we deem an important and overriding consideration to accomplish that purpose.” But now the adoption of the Proviso stands without reason and without excuse. It is a mere assertion of superiority; it seems to involve in it something of taunt, of insult. It conveys to southern people an impression of unwillingness to gratify their wishes, or save their feelings even, when, by so doing, nothing is lost to the majority and no advantage is gained by us. It is idle for gentlemen to say “we mean it not as an insult.” It is unnecessary, if there is no reasonable ground for supposing that anything will be accomplished by it that will not be accomplished without it; and, since you know how we must regard it, patriotism, statesmanship, the recognized obligations of good neighborhood, require you to forbear.

Now, Mr. President, supposing this Proviso to be adopted, the question naturally presents itself, how would it be received by the people of the southern States? Of the southern States generally I undertake not to speak. Of their sentiments and opinions I know nothing, except as I gather them from what is said by representatives here, and see them shadowed forth in the resolves of their legislatures and of their primary meetings. But this much is certain: if we may judge from

these indications, the application of the Proviso to these Territories will be considered as a wanton violation of the feelings of the South, an insulting exercise of power; and, however it may or may not be resisted by outward action, it will be deeply resented in the inmost feelings of a large portion of the people of the South, whose representatives have spoken upon the subject here.

Nor, Mr. President, must I forget that, in considering the effect which this Proviso is likely to have upon the condition of the southern mind, we must look to what has been said by northern gentlemen in connection with this subject. Permit me to call the attention of the Senate to a very brief extract from a speech delivered in the other end of the Capitol:

“In conclusion, I have only to add, that such is my solemn and abiding conviction of the character of slavery, that, under a full sense of my responsibility to my country and my God, I deliberately say, better dissolution—better a civil or a servile war—better anything that God in his providence shall send, than an extension of the bounds of slavery.” Several Senators. Whose speech is that? A Senator. Mr. Mason’s.

Mr. Badger. We have heard much Mr. President, of the violence of southern declamation. I have most carefully avoided reading speeches of southern gentlemen who were supposed to be liable to that charge. I happened, however, in the early part of this session, and before the other House was organized, to be in that body when there were some bursts of feeling and denunciation from southern gentlemen, which I heard with pain, mortification, almost with anguish of mind. But, sir, these were bursts of feelings; these were passionate and excited declarations; these had everything to plead for them as being spontaneous and fiery ebullitions of men burning at the moment under a sense of wrong. And where, among these, will you find anything equal to the cool, calm, deliberate announcement of the philosophic mind that delivered in the other House the passage which I have read: “Better dissolution—better a civil or a servile war—better anything that God in his providence shall send, than an extension of the bounds of slavery.”

In other words, it is a deliberate, settled, fixed opinion of the honorable gentleman who made that speech, that rather than the extension of slavery one foot—yes, sir, there is no qualification, one foot—he would prefer a dissolution of these States; he would prefer the horrors of civil war, all the monstrous, untold and almost innumerable atrocities of a servile war; he would fill the earth with dead; he would light up heaven with midnight conflagration; all this; yes, and more—all the evils of which God in his providence might see fit to pour down upon us, he would suffer, rather than permit, not one man who is now free to be made a slave—that would be extravagant enough—but rather than permit one man who now stands upon the soil of North Carolina a slave to stand a slave upon the soil of New Mexico!

Yes, sir, here is a sacrifice of life and happiness and of all that is dear to the black and white races together to a mere idealism—a sacrifice proposed by a gentleman who claims to be a philosopher, and to speak the language of calm deliberation—a sacrifice of our glorious Union proposed by a patriot—not rather that freedom should be made slaves—not rather than the condition of even one human being should be made worse than it now is—but rather than one man should remove from one spot of the earth to another without an improvement of his condition—without passing from slavery to freedom. Sir, after that announcement, thus made, which I beg to say, sir, I did not seek—for the speech I have never read; the extract I found in one of the newspapers of the day—after that announcement, talk not of southern egotism, talk not of our disposition to sacrifice to our peculiar notions and our peculiar relations the peace and happiness, the growing prosperity and the mutual concord of this great Union. Now, sir, if that announcement goes abroad into the southern country attended by the wanton application of this Wilmot Proviso, an irritating commentary upon that patriotic announcement, what can be expected? What but the deepest emotions of indignation in the bosoms of those born and brought up where slavery exists, and taking totally different views of the institution from those which are taken by the honorable gentleman who has placed himself upon this cool and deliberate, humane and philosophical position.

Sir, we know, with regard to two or more of the Southern States, emphatic pledges have been given, through their legislatures, that some mode of resistance to this Proviso will be adopted. Now, what is to be the result of the Nashville Convention which has been called for June next, should that body assemble and find matters in their present condition? If no bill shall have passed to do us justice, by affording as far as the law can afford it, the effectual restoration of fugitive slaves; if a bill shall have passed, or be likely to pass, with the insult of the Wilmot Proviso causelessly and wantonly inserted in it, after the announcement made in the extract of the speech which I have just read—after the announcement made by the Senator from New York, that so far from their being an obligation to restore to us our fugitives, the duty of hospitality requires that they should be received, kept and retained from us; that the constitutional law which requires their restoration to us is contrary to the law of God, and not binding in conscience; and still more, that those who visit our shores, coming under the protection of the American flag within our jurisdiction, and there, in vi-

olation of our laws, seduce our slaves from us, and carry them to the North, shall not be surrendered up as fugitives from justice, because the same high and overruling law which puts the constitution down and makes it a nullity, has converted what we call a crime into a high and meritorious act of duty—if this convention, meet under such circumstances, what may be—what probably will be the consequences? I say it not because I wish it—I do not wish it—the convention has been forced upon my mind by evidence reluctantly received; and therefore I wish my friends around me to pay for that reason the more credit to what I say—if that convention shall meet under such circumstances, in my judgment the Union is from that day dissolved. I do not say that dissolution will follow immediately, but I say that a connexion, an external Union may be maintained, and longer on for a few years longer. But the meeting of that convention will be to our institution, in the language of Napoleon, “the beginning of the end”—it will be the initiative step in such a course of measures, North and South, as will result in convulsing us, so far that the ill to which we fly cannot in our judgment exceed those we bear; and thus will put upon the people of the South the necessity, the painful, hard necessity of a dissolution—a final separation. Now, sir, why do I take this view? In the first place, the meeting of the Nashville Convention is, upon its face, a step towards a separate and distinct organization of the southern States. The very movement separates them for a time, in purposes and intent, from the great mass of the population of the country. They meet there for what purpose? To consider, to deliberate, to debate—what?—what course of action shall by mutual agreement be taken by the States whom this convention will represent, what manner of resistance, what manner of redress. Now, sir, in all matters of this kind, in all revolutions, in all breakings up of the ties which bind us together, the first step is one of great difficulty. It is so even in social and private life; it is so in the married state. The first wanton and public outrage on the part of one toward the other of the parties is easily followed by such steps as end in total and thorough estrangement. Well, then a separation of the Union—I have no reason to suppose that any will be proposed looking to that as an object—I fully believe that that convention in Mississippi, which terminated its meeting in the call for this convention, was induced by such and such considerations, was induced by such and such reasons which I have, the very fact that (the convention was presided over by the venerable and venerated Chief Justice Sharkey, a most learned jurist and patriotic gentleman, would be sufficient for me. But when we have ascertained what people design by any particular movement, we are far, very far, from having ascertained what they may accomplish by it. Now, suppose this meeting should resolve that, by a common concurrence of the States represented, common laws should be passed, police regulations to be adopted in the slave States of the most irritating and offensive kind towards the northern portion of the Union; such a course would not appear surprising if we bear in mind the fact that slaves are constantly taken from our ports by the vessels that visit them for the purpose of commerce; that, thus taken, they are withheld from us, and their seducers are neither discomfited at home nor restored to us for punishment; and that flagrant wrong on one side naturally provokes to measures at once of protection and retaliation from the other. But, Mr. President, the moment these States, by mutual compact and agreement, have come to a resolution to adopt a particular course of measure upon this subject, they have left the platform of the constitution; they are no longer upon it, because the constitution expressly forbids a State to enter into any compact or agreement with another State without the consent of Congress. When this first step is taken, the process is easy, and need not be traced to a final dissolution of our present Union. And therefore, in the event of the meeting of this convention, with the slavery question in the situation I have mentioned, I have, I repeat, gloomy apprehension of what may be, and most probably will be, the result upon the destinies of our country. Force, Mr. President, cannot keep the States of this Union together—cannot preserve the constitutional Union. I distinctly admit what was said by the honorable Senator from Massachusetts (Mr. Webster), that no State has a right to secede from this Union. I distinctly admit that the constitution, looking to perpetuity, makes no provision directly or indirectly for the separation of its parts. But, in point of fact, from the very nature of our institutions, the States cannot be kept in union by force. The majority or the most powerful portion may conquer and reduce to subjection the other, but when this is done the States are not in union, the constitutional connexion is not restored. It is then the spectacle of a conquered people submitting to superior power; and no ties of affection—no co-operation in a common government—no American union can reasonably be hoped between the conquerors and the conquered. Believe me, sir, if ever the unhappy hour should arrive when American blood is shed in a contest between the States, some desiring to secede, and the others endeavoring to compel them by force of arms to remain in the Union—whenever that hour comes your connexion is immediately broken to all beneficial purposes for the happiness or prosperity of the country.

Now, Mr. President, with regard to my

own view, I have only to add, that such is my solemn and abiding conviction of the character of slavery, that, under a full sense of my responsibility to my country and my God, I deliberately say, better dissolution—better a civil or a servile war—better anything that God in his providence shall send, than an extension of the bounds of slavery.”

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Yes, sir, here is a sacrifice of life and happiness and of all that is dear to the black and white races together to a mere idealism—a sacrifice proposed by a gentleman who claims to be a philosopher, and to speak the language of calm deliberation—a sacrifice of our glorious Union proposed by a patriot—not rather that freedom should be made slaves—not rather than the condition of even one human being should be made worse than it now is—but rather than one man should remove from one spot of the earth to another without an improvement of his condition—without passing from slavery to freedom. Sir, after that announcement, thus made, which I beg to say, sir, I did not seek—for the speech I have never read; the extract I found in one of the newspapers of the day—after that announcement, talk not of southern egotism, talk not of our disposition to sacrifice to our peculiar notions and our peculiar relations the peace and happiness, the growing prosperity and the mutual concord of this great Union. Now, sir, if that announcement goes abroad into the southern country attended by the wanton application of this Wilmot Proviso, an irritating commentary upon that patriotic announcement, what can be expected? What but the deepest emotions of indignation in the bosoms of those born and brought up where slavery exists, and taking totally different views of the institution from those which are taken by the honorable gentleman who has placed himself upon this cool and deliberate, humane and philosophical position.

Sir, we know, with regard to two or more of the Southern States, emphatic pledges have been given, through their legislatures, that some mode of resistance to this Proviso will be adopted. Now, what is to be the result of the Nashville Convention which has been called for June next, should that body assemble and find matters in their present condition? If no bill shall have passed to do us justice, by affording as far as the law can afford it, the effectual restoration of fugitive slaves; if a bill shall have passed, or be likely to pass, with the insult of the Wilmot Proviso causelessly and wantonly inserted in it, after the announcement made in the extract of the speech which I have just read—after the announcement made by the Senator from New York, that so far from their being an obligation to restore to us our fugitives, the duty of hospitality requires that they should be received, kept and retained from us; that the constitutional law which requires their restoration to us is contrary to the law of God, and not binding in conscience; and still more, that those who visit our shores, coming under the protection of the American flag within our jurisdiction, and there, in vi-

olation of our laws, seduce our slaves from us, and carry them to the North, shall not be surrendered up as fugitives from justice, because the same high and overruling law which puts the constitution down and makes it a nullity, has converted what we call a crime into a high and meritorious act of duty—if this convention, meet under such circumstances, what may be—what probably will be the consequences? I say it not because I wish it—I do not wish it—the convention has been forced upon my mind by evidence reluctantly received; and therefore I wish my friends around me to pay for that reason the more credit to what I say—if that convention shall meet under such circumstances, in my judgment the Union is from that day dissolved. I do not say that dissolution will follow immediately, but I say that a connexion, an external Union may be maintained, and longer on for a few years longer. But the meeting of that convention will be to our institution, in the language of Napoleon, “the beginning of the end”—it will be the initiative step in such a course of measures, North and South, as will result in convulsing us, so far that the ill to which we fly cannot in our judgment exceed those we bear; and thus will put upon the people of the South the necessity, the painful, hard necessity of a dissolution—a final separation. Now, sir, why do I take this view? In the first place, the meeting of the Nashville Convention is, upon its face, a step towards a separate and distinct organization of the southern States. The very movement separates them for a time, in purposes and intent, from the great mass of the population of the country. They meet there for what purpose? To consider, to deliberate, to debate—what?—what course of action shall by mutual agreement be taken by the States whom this convention will represent, what manner of resistance, what manner of redress. Now, sir, in all matters of this kind, in all revolutions, in all breakings up of the ties which bind us together, the first step is one of great difficulty. It is so even in social and private life; it is so in the married state. The first wanton and public outrage on the part of one toward the other of the parties is easily followed by such steps as end in total and thorough estrangement. Well, then a separation of the Union—I have no reason to suppose that any will be proposed looking to that as an object—I fully believe that that convention in Mississippi, which terminated its meeting in the call for this convention, was induced by such and such considerations, was induced by such and such reasons which I have, the very fact that (the convention was presided over by the venerable and venerated Chief Justice Sharkey, a most learned jurist and patriotic gentleman, would be sufficient for me. But when we have ascertained what people design by any particular movement, we are far, very far, from having ascertained what they may accomplish by it. Now, suppose this meeting should resolve that, by a common concurrence of the States represented, common laws should be passed, police regulations to be adopted in the slave States of the most irritating and offensive kind towards the northern portion of the Union; such a course would not appear surprising if we bear in mind the fact that slaves are constantly taken from our ports by the vessels that visit them for the purpose of commerce; that, thus taken, they are withheld from us, and their seducers are neither discomfited at home nor restored to us for punishment; and that flagrant wrong on one side naturally provokes to measures at once of protection and retaliation from the other. But, Mr. President, the moment these States, by mutual compact and agreement, have come to a resolution to adopt a particular course of measure upon this subject, they have left the platform of the constitution; they are no longer upon it, because the constitution expressly forbids a State to enter into any compact or agreement with another State without the consent of Congress. When this first step is taken, the process is easy, and need not be traced to a final dissolution of our present Union. And therefore, in the event of the meeting of this convention, with the slavery question in the situation I have mentioned, I have, I repeat, gloomy apprehension of what may be, and most probably will be, the result upon the destinies of our country. Force, Mr. President, cannot keep the States of this Union together—cannot preserve the constitutional Union. I distinctly admit what was said by the honorable Senator from Massachusetts (Mr. Webster), that no State has a right to secede from this Union. I distinctly admit that the constitution, looking to perpetuity, makes no provision directly or indirectly for the separation of its parts. But, in point of fact, from the very nature of our institutions, the States cannot be kept in union by force. The majority or the most powerful portion may conquer and reduce to subjection the other, but when this is done the States are not in union, the constitutional connexion is not restored. It is then the spectacle of a conquered people submitting to superior power; and no ties of affection—no co-operation in a common government—no American union can reasonably be hoped between the conquerors and the conquered. Believe me, sir, if ever the unhappy hour should arrive when American blood is shed in a contest between the States, some desiring to secede, and the others endeavoring to compel them by force of arms to remain in the Union—whenever that hour comes your connexion is immediately broken to all beneficial purposes for the happiness or prosperity of the country.

Now, Mr. President, with regard to my

own view, I have only to add, that such is my solemn and abiding conviction of the character of slavery, that, under a full sense of my responsibility to my country and my God, I deliberately say, better dissolution—better a civil or a servile war—better anything that God in his providence shall send, than an extension of the bounds of slavery.”

Several Senators. Whose speech is that? A Senator. Mr. Mason’s.

Mr. Badger. We have heard much Mr. President, of the violence of southern declamation. I have most carefully avoided reading speeches of southern gentlemen who were supposed to be liable to that charge. I happened, however, in the early part of this session, and before the other House was organized, to be in that body when there were some bursts of feeling and denunciation from southern gentlemen, which I heard with pain, mortification, almost with anguish of mind. But, sir, these were bursts of feelings; these were passionate and excited declarations; these had everything to plead for them as being spontaneous and fiery ebullitions of men burning at the moment under a sense of wrong. And where, among these, will you find anything equal to the cool, calm, deliberate announcement of the philosophic mind that delivered in the other House the passage which I have read: “Better dissolution—better a civil or a servile war—better anything that God in his providence shall send, than an extension of the bounds of slavery.”

In other words, it is a deliberate, settled, fixed opinion of the honorable gentleman who made that speech, that rather than the extension of slavery one foot—yes, sir, there is no qualification, one foot—he would prefer a dissolution of these States; he would prefer the horrors of civil war, all the monstrous, untold and almost innumerable atrocities of a servile war; he would fill the earth with dead; he would light up heaven with midnight conflagration; all this; yes, and more—all the evils of which God in his providence might see fit to pour down upon us, he would suffer, rather than permit, not one man who is now free to be made a slave—that would be extravagant enough—but rather than permit one man who now stands upon the soil of North Carolina a slave to stand a slave upon the soil of New Mexico!

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